

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Approved and adopted as a pretrial
scheduling order. Trial 10/23/07



James R. Muirhead
U.S. Magistrate Judge

No. 05-cv-445-JD Date: 7/17/06

William Edmondson

v.

Commissioner, NH Department of Corrections, et al

DEFENDANTS PROPOSED DISCOVERY PLAN

DATE/PLACE OF CONFERENCE:

This matter is exempt from the requirement that the parties hold a planning conference and submit an agreed upon discovery plan, as it is a *pro se* action by an incarcerated inmate. See Fed. R. Civ. P. 26(a)(1)(E)(iii).

COUNSEL PRESENT/PRESENTING:

William Edmondson, pro se inmate
281 North State St
PO Box 14
Concord, NH 03302-0014.

Mary E. Maloney
Assistant Attorney General,
Office of the Attorney General
33 Capitol Street
Concord, NH 03301
(603) 271-3650

CASE SUMMARY:

THEORY OF LIABILITY: The Plaintiff brings this action under 42 U.S.C. §1983, claiming that defendants have violated his rights under the First Amendment, Eighth and Fourteenth Amendments to the United States Constitution in that he was forced to participate in religiously based sexual offender treatment, and that he was terminated from the State Prison Sexual Offender Program (SOP) in retaliation for participating in another inmate's lawsuit, which was based upon an Establishment Clause challenge to the SOP.

THEORY OF DEFENSE: General denial of allegations, statute of limitations, failure to exhaust administrative remedies, failure to state a claim, any and all applicable immunities, including but not limited to: Eleventh Amendment immunity, qualified, sovereign, absolute and official immunity, and immunity under RSA 541-B.

DAMAGES: Plaintiff is seeking declaratory and injunctive relief. See Complaint ¶¶ A-D.

DEMAND: October 1, 2006

OFFER: (if any) November 1, 2006

JURISDICTIONAL ISSUES: PLRA, 42 U.S.C. § 1997e.

QUESTIONS OF LAW: Whether the facts as alleged by plaintiff are sufficient to establish violations of the First, Eighth and Fourteenth Amendments to the United States Constitution; See also, theories of defense.

TYPE OF TRIAL: Bench Trial

DISCOVERY PLAN

TRACK ASSIGNMENT: Standard 12-month track. Ready for trial in October 23, 2007.

DISCOVERY NEEDED: Standard discovery, including the deposition of key witnesses and production of documents.

MANDATORY DISCLOSURES: Not applicable

COMPLETION OF DISCOVERY: August 23, 2007

INTERROGATORIES: A maximum of ~~25~~⁵⁰ interrogatories by Plaintiff, and ~~25~~⁵⁰ interrogatories by each Defendant. Responses due 30 days after service unless otherwise agreed to pursuant to Fed. R. Civ. P. 29.

REQUESTS FOR ADMISSIONS: A maximum of ~~25~~⁵⁰ requests for admissions by Plaintiff and ~~25~~⁵⁰ requests for admissions by each Defendant. Responses due 30 days after service unless otherwise agreed to pursuant to Fed. R. Civ. P. 29.

DEPOSITIONS: A maximum of 10 depositions by Plaintiff and 10 depositions by each Defendant. Each deposition limited to a maximum seven hours unless extended by agreement of parties.

DATES OF DISCLOSURE OF EXPERTS AND EXPERTS' WRITTEN REPORTS:

Plaintiff: April 23, 2007

Defendants: May 23, 2007

The parties have not stipulated to a different form of expert report than that specified in Fed. R. Civ. P. 26(a)(2).

CHALLENGES TO EXPERT TESTIMONY: June 23, 2007

OTHER ITEMS

MEDIATION STATEMENT: The Defendants do not believe that mediation would be fruitful for resolving this issue and are not inclined to pursue mediation.

JOINDER OF ADDITIONAL PARTIES: ~~September 5, 2006~~ ^{November}

THIRD-PARTY ACTIONS: None anticipated

AMENDMENT OF PLEADINGS:

Plaintiff: ~~September 5, 2006~~ ^{November}

Defendant: ~~October 5, 2006~~ ^{December}

DISPOSITIVE MOTIONS:

To Dismiss: ~~October 5, 2006~~ ^{December}

Summary Judgment: June 23, 2007

SETTLEMENT POSSIBILITIES: Unlikely.

WITNESSES AND EXHIBITS: Witness and exhibit lists due 10 days before pretrial conference, but not less than 30 days before trial date. Objections due 14 days after service of final pretrial statement, or per order of the Court.

TRIAL ESTIMATE: 2-3 days

TRIAL DATE: The two-week period beginning October 23, 2007

Respectfully submitted,

COMMISSIONER, NH DEPARTMENT OF
CORRECTIONS, ET AL

By Defendants attorneys,

KELLY A. AYOTTE
Attorney General

/s/ Mary E. Maloney

Mary E Maloney, 1603
Assistant Attorney General
Civil Bureau
New Hampshire Department of Justice
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(603) 271-3658

Certificate of Service

6/20/2006

I hereby certify that a copy of the foregoing was mailed this day, to:

William Edmondson, 27555
281 North State St
PO Box 14
Concord, NH 03302-0014

/s/ Mary E. Maloney_____

Mary E Maloney
Bar No. 1603
Assistant Attorney General